

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HI-LEX CONTROLS INCORPORATED,
HI-LEX AMERICA, INCORPORATED and
HI-LEX CORPORATION HEALTH AND
WELFARE PLAN,

Plaintiffs,

CASE NUMBER: 11-12557
HONORABLE VICTORIA A. ROBERTS

v.

BLUE CROSS AND BLUE SHIELD OF
MICHIGAN,

Defendant.

consolidated with

BORROUGHS CORPORATION and
BORROUGHS CORPORATION
EMPLOYEE BENEFIT PLAN,

Plaintiffs,

CASE NUMBER: 11-12565
HONORABLE VICTORIA A. ROBERTS

v.

BLUE CROSS AND BLUE SHIELD OF
MICHIGAN,

Defendant.

/

ORDER REGARDING DISCOVERY AND SETTING DATES

This matter is before the Court on the parties' discovery motions and objections.

The Court held a status conference on October 22, 2012.

Based on that conference, the Court:

(1) **DENIES IN PART** and **GRANTS IN PART** Plaintiff's Second Motion for
Discovery Sanctions for Ongoing Violation of Discovery Orders, (Hi-Lex #

89/Borroughs # 94). The Court declines to sanction Defendant either through default judgment against it or by directing that the matters embraced in the Court's discovery orders be taken as established. The Court orders Defendant to produce -- on a rolling basis -- by **February 14, 2013** the requested documents based on the witnesses and search terms to which the parties agreed at the status conference.

(2) **DISMISSES:** Defendant's Objections to the Magistrate Judge Order of April 2, 2012, (Hi-Lex #51/Borroughs #58); Defendant Blue Cross Blue Shield of Michigan's Motion for Entry of Protective Order, (Hi-Lex #Doc. 52); and Blue Cross's Objections to Magistrate Judge's April 12, 2012 Order, (Hi-Lex #67/Borroughs #73). The motion and objections are moot; the parties reached agreement.

The Court will address by separate order Plaintiffs' Motion to Strike Expert Witness John W. Bauerlein, (Hi-Lex #85/Borroughs #89) and Plaintiffs' Second Motion to Strike Defendant's Expert Witness John W. Bauerlein, (Hi-Lex #88/Borroughs #93).

The Court holds in abeyance its decisions regarding Plaintiff's Third Motion to Compel Discovery, (Hi-Lex #73/Borroughs #78) and Plaintiffs' Supplemental Brief in Support of Motion to Compel Discovery Pursuant to Court's March 30, 2012 Order, (Hi-Lex #86/Borroughs #91). These motions will be addressed after disposition of Plaintiffs' Motion to Strike Defendant's Expert Witness John W. Bauerlein and Plaintiffs' Second Motion to Strike Defendant's Expert Witness John W. Bauerlein.

A status conference will be held on **February 26, 2013 at 10:00 am.** Trial counsel must appear for this conference. This matter is tentatively set for trial on **April 23, 2013.**

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: October 24, 2012

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on October 24, 2012.

S/Linda Vertriest

Deputy Clerk